

United States District Court
for the

WESTERN DISTRICT OF OKLAHOMA

United States of America

v.

Lawrence Junior Loftis

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Case No: M-21- 193-STE

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Between on or about January 1, 2018, and December 31, 2019, within Indian country, in the county of Stephens, in the Western District of Oklahoma, the defendant, Lawrence Junior Loftis, an Indian, violated:

Code Section

18 U.S.C. §§ 1153(a) and 2241(c)

Offense Description

Aggravated Sexual Abuse with a child

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent Shana M. Terry, FBI, which is incorporated and made a part hereof by reference.

☒ Continued on the attached sheet.
Complainant's signatureShana M. Terry
Special Agent
FBI

Sworn to before me and signed in my presence.

Date: Mar 26, 2021City and State: Oklahoma City, Oklahoma
Judge's signatureShon T. Erwin, U.S. Magistrate Judge
Printed name and title

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Shana M. Terry, a Special Agent with the Federal Bureau of Investigation (FBI), Oklahoma City Division, Lawton Resident Agency, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI since February 2019 and have been assigned to the Oklahoma City Division, Lawton Resident Agency for the entirety of that time. During that time, I have conducted a wide variety of investigations, to include Indian country crimes and crimes against children. I am an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), and am empowered by law to conduct investigations of and to make arrests for federal offenses, including violations of 18 U.S.C. § 2241 and other sexual abuse offenses.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit contains information necessary to support the **Complaint** and does not set forth all my knowledge about this matter.

3. This Affidavit is submitted in support of a warrant for the arrest of Lawrence Junior Loftis (DOB XX-XX-1956 / SSN: XXX-XX-8420) ("LOFTIS") for the following offenses committed in Indian country: aggravated sexual abuse of a child, named L.L., in violation of Title 18 United States Code, Section 1153(a) and 2241(c). Since this Affidavit is being submitted for the limited purpose of securing a criminal complaint and an arrest warrant, I have not included each and every fact known to me concerning this investigation.

I have set forth only the facts that I believe are necessary to establish probable cause to support the issuance of a criminal complaint and an arrest warrant.

PROBABLE CAUSE

4. On February 25, 2020, at about 12:30pm, Stephens County Sheriff's Deputy Lonnie Estes ("Deputy Estes") and Sarah Roberson ("Roberson") representing Child Protective Services, responded to Velma school in response to a report of a possible sexual molestation involving an 11-year old boy (herein referred to as "L.L.").

5. L.L. was born on March 13, 2009 and he is an Indian.

6. Roberson spoke with L.L. and he eventually made hand motions and wrote down on paper some sexual events that were done to him by his grandfather, LOFTIS. Based on this information, a forensic interview was scheduled for February 27, 2020 in Norman, Oklahoma, and L.L. was removed from the home.

7. On February 27, 2020, a forensic interview was conducted, where L.L. disclosed that LOFTIS had sodomized him multiple times when he was at LOFTIS' home and that on one such occasion, LOFTIS' wife, Gamma Gail Loftis ("Gamma"), walked in on them when LOFTIS was having sex with him. Gamma went on to tell other family members and L.L.'s father, Kenny Loftis ("Kenny").

8. LOFTIS' home was located at 177070 Loftis Rd, Ratliff City, in Stephens County, within the Western District of Oklahoma, and in Indian County, according to Title 18 United States Code, Section 1151.

9. During the interview, L.L. described what happened with LOFTIS as "disgusting." L.L. stated, "It was kind of like a skunk when it sprays you." When asked to demonstrate what happened, L.L. rolled a small piece of Play-Doh into a circle and called it a butt. He then rolled

another piece into a longer cigar shape and said it was another private part. L.L. did not want to say out loud what the part was but wrote the name for it as "pe-pe." L.L. went on to say it was something he and his grandpa did a long time ago and they were keeping it a secret until his grandmother, Gamma, found out. L.L. then took the butt made of Play-Doh and said it was him, that the other part was his grandpa and in a simulated motion he placed the two pieces together, indicating that LOFTIS placed his penis in L.L.'s butt. According to L.L., it happened a year prior, but he was unsure of the timeframe. When asked how many times it happened, he indicated it was more than one time. The interviewer asked L.L. when the last time was this happened. He said it was when Gamma caught them and that he (L.L.) was on top of LOFTIS. L.L. said that his pants and LOFTIS' pants were both pulled down. L.L. then showed the interviewer a hand gesture which is commonly used by children to indicate sexual activity. He then said that it happened all the time.

10. When asked to describe LOFTIS' private parts, L.L. said it was hairy like a yeti and medium big. The interviewer asked if LOFTIS did anything else with it and L.L. wrote "stikitinther" and then indicated that it was his mouth, that it happened more than one time, and it was just "sucking." L.L. also went on to say that it "tastes normal." L.L. explained that on one occasion stuff came out of it. He described the stuff as whitish green looking and that it went into his mouth. At this point, L.L. simulated wiping something out of his mouth and spitting.

11. L.L. told the interviewer that the sexual abuse also happened more than once in a building which was put up next to LOFTIS' trailer home.

12. L.L. described one particular incident when LOFTIS took him to a forest in a truck they borrowed. L.L. said that LOFTIS wanted to do it again, but he tried to get away, so LOFTIS grabbed him. L.L. stated, "He got me."

13. During the interview, L.L. also described naked people, the performance of oral sex, and a blue condom that he saw in a magazine shown to him by LOFTIS.

14. L.L. advised that after Gamma walked in on them, she called Kenny, who came and took L.L. home. L.L. stated that he then got “whooped” by his father with a leather belt. L.L. stated that LOFTIS stopped touching him after Gamma caught them.

15. On February 28, 2020, deputies spoke with Gamma. She told them that she had walked into the bathroom and saw L.L. with his pants down kneeling on the toilet and LOFTIS was standing behind him. Gamma said when she saw this, she “knocked the shit out of [LOFTIS]” and she then told Kenny what happened. Gamma said this happened about four years prior, and that after that incident, L.L. and LOFTIS were not allowed to be alone together. When asked about the pornographic magazines, Gamma said she found them in the back room of the trailer. They were in the top drawer of the nightstand and she took them outside and burned them. Gamma said there were only two magazines and she found them before she caught LOFTIS with L.L.

16. On February 28, 2020, Deputy Estes spoke with Kenny at the Sheriff’s Office. Although Kenny was initially hesitant to admit what he knew about the allegations, he eventually admitted that Gamma told him that L.L. was touched by LOFTIS. Gamma had told him that “[LOFTIS] had his thing out.” Gamma told him that LOFTIS had L.L. bent over and that she started yelling at them. LOFTIS then pulled his clothes up. Kenny said he got upset and confronted LOFTIS about the allegations. Kenny said he did not believe Gamma at that time, even though he admitted knowing that LOFTIS had molested his own daughter, S.P., now an adult.

17. On February 28, 2020, LOFTIS went to the Stephens County Sheriff’s Office to be interviewed. Prior to the interview he was read his Miranda rights, which he said he understood. He then signed the Miranda waiver.

18. During the interview, LOFTIS said that he had not seen L.L. for about a month and that Kenny had told him that L.L. was abused three to four weeks prior. LOFTIS initially said he had no idea who abused L.L. When asked if L.L. ever saw him naked, LOFTIS said that L.L. walked in on him once when he was changing clothes. He then changed his story and said that he was coming out of the bathroom and he was pulling his pants up and that is when L.L. saw him. LOFTIS relayed another story where he was coughing, was bent over, and fell on top of L.L. During the interview, LOFTIS admitted to showing L.L. the pornographic magazines and to telling L.L. he was sorry because he should not have shown him the magazines. He said that is when Gamma came into the room and took both the magazines. LOFTIS then admitted having inappropriate sexual contact with L.L. He said sometime between September to November of 2018 he was in the living room on the couch with his penis outside of his pants and L.L. was sitting on top of him. LOFTIS said that L.L. had his pants up but admitted to being excited. When asked how many times he had touched L.L. with his penis when L.L. had his pants down, LOFTIS said "just that one time." LOFTIS denied any penetration.

19. On March 3, 2020, deputies met with S.P., who is LOFTIS' biological daughter and sister to Kenny. During the investigation, a DHS report from 2002 was discovered where S.P. accused LOFTIS of molesting her when she was young. S.P. told deputies that LOFTIS started touching her bare breast and vagina when she was just eight years old and it continued until she was about 16 years old. She said the touching and inappropriate comments had happened almost daily. S.P. described how LOFTIS would masturbate and ejaculate into a bottle and later he would pour it on her when she was sleeping. S.P. could only recall one time when LOFTIS had penetrating sex with her. She could remember being in school wondering what had happened to her. She also recalled that as a teenager she was responsible for mowing the yard, and when she

would go outside, LOFTIS would be outside masturbating. S.P. advised that the abuse continued until she moved out and got married at the age of 17. S.P. reported that she severed all ties with LOFTIS because of the abuse and had even warned Kenny about leaving L.L. with LOFTIS on many occasions.

20. On March 2, 2020, the District Attorney for Stephens County charged LOFTIS in Stephens County District Court (case number CF-2020-44) with one count of child sexual abuse of a child under 12 ~ a felony, Title 21, Oklahoma Statutes, Section 843.5(F).

21. On March 19, 2021, LOFTIS filed a motion to dismiss for lack of subject matter jurisdiction under *McGirt v. Oklahoma*, 591 U.S. ___(2020) and *Bosse v. State*, 202021 OK CR 3. The case will likely be dismissed around April 1, 2021.

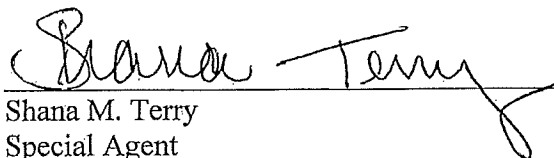
22. This Court has jurisdiction pursuant to Title 18, United States Code, Section 1153, because LOFTIS is an enrolled member of the Choctaw Nation and possesses some Indian blood, according to the official records of the Choctaw Nation. According to official maps of the Chickasaw Nation and the U.S. Department of the Interior, the offense occurred within Indian country, because the location is within the exterior boundaries of the Chickasaw Nation Reservation, which qualifies as Indian country under Title 18, United States Code, Section 1151(a). Furthermore, Stephens County is in the Western District of Oklahoma.

CONCLUSION

23. Based upon my training and experience, and the facts and circumstances described above, I believe probable cause exists to support a criminal complaint and arrest

warrant for Lawrence Junior LOFTIS for violations of Title 18, United States Code, Sections 1153(a) and 2241(c).

Further Your Affiant sayeth not.



Shana M. Terry
Special Agent
Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me this 26th day of March, 2021.



SHON T. ERWIN
United States Magistrate Judge